

SPECIAL CITY COUNCIL MEETING

June 9, 2008

6:00 P.M.

Mayor Ronnie Torres called the Special Meeting of the Belen City Council to order at 6:00 P.M.
Roll call taken by Sally G. Garley, City Manager.

CITY COUNCIL: Ronnie Torres, Mayor
David Lopez, Mayor Pro-Tem
Terese Ulivarri, Councilor
Wayne Gallegos, Councilor
Rudy Jaramillo, Councilor

CITY STAFF: Sally G. Garley, City Manager
Audrey Torres, Procurement Specialist
Manny Garcia, Fire Chief
Ben Barnes, Fire Department

OTHERS: Jackie Schlotfeldt VCNB
Mike Dzuik, Citizen
Mark Murray, TNT

PUBLIC HEARING OF INTENT TO ADOPT A FIREWORKS ORDINANCE TO ASSIST IN PROTECTING THE PUBLIC HEALTH, WELFARE, AND SAFETY OF THE PEOPLE OF THE CITY OF BELEN, NEW MEXICO BY REGULATING THE RETAIL SALE AND STORAGE OF CONSUMER FIREWORKS AND THEATRICAL PYROTECHNICS OF SPECIAL EFFECTS OF MOTION PICTURE AND TELEVISION FILMING. REPEALING ORDINANCE 1995-04 AND 2002-03:

Mayor Torres read the next agenda item and opened the public hearing of intent to adopt a fireworks ordinance to assist in protecting the public health, welfare, and safety of the people of the City of Belen, New Mexico by regulating the retail sale and storage of consumer fireworks and theatrical pyrotechnics of special effects of motion picture and television filming, repealing ordinance 1995-04 and 2002-03.

Mayor Ronnie Torres asked Fire Chief, Manny Garcia to explain what the difference is between this ordinance and what was in place before. Chief Garcia advised Council that the ordinance in place is very strong and solid, as a matter of fact it is one of the model ordinances that is used around the state that Wayne and Julie have worked on years before.

Fire Chief Manny Garcia explained what the department is doing now is having to change a couple of things because there was a senate bill passed in 2007 an amendment to the current state statute for this year that forced changes.

All the definitions that are on the state statute are all on one sheet also added a permit fee for special events and hazardous conditions. This means that anyone wanting to film a movie in Belen would have to obtain a permit from the City to allow them to use special effects which is live fire. As a fire department they would have to be on standby to make sure everyone is safe. The permit is referencing State Statute 60-2C-9.1 NMSA. In a meeting with the City Manager, Police Chief and Municipal Judge the fire department will be able to assist the police department in enforcing this ordinance by allowing the department to issue citations.

There are three new definitions that came out, one of them is the aerial shell kit re-loadable tube, the other is Bosque which is a cottonwood corridor adjacent to a river, which is senate bill 267 out of the 2007 session, the other definition is a multi tube device, it is a base with multi tubes connected to the same base. Last year after the senate bill was passed the fire department did not receive enough notice that the device was approved at the state level therefore there was some discrepancy. The multi tube device “as long as it is a fountain” is allowable; if it is an “aerial” it is illegal.

On the public display, other than the City of Belen, anyone that wants to display fireworks for the public has to get a permit from the City that was changed also by state statute which is section 60-2C-9.

Under restrictions there was an addition that “A person shall not ignite fireworks within a motor vehicle or throw fireworks from a motor vehicle, nor shall a person place or throw ignited fireworks into or at a motor vehicle or at or near a person or group of people” this helps with safety around the City.

Prohibited devices as stated previously does not allow for aerial devices in the City and it does stand. Added were the aerial shell kit-re-loadable tube and multiple tube device if it is an aerial and the pyrotechnics for movie filming. Nothing else has changed from the previous ordinance to this one.

Mayor Ronnie Torres asked then the only two things-for clarification of vendors attending the special meeting-that have changed is the re-loadable tub and the multiple tube device. Mayor Torres asked if that was clear, the vendors advised it was.

City Councilor Wayne Gallegos said that when this was done there were a lot of unhappy vendors. Municipally we did everything we could in order to keep the Citizens as safe as possible. Now these ordinances have to be updated as law requires. Question to Chief Manny Garcia: details on the citations have always been left up to the Police Department and how is that going to be handled?

Fire Chief Manny Garcia advised that even though the ordinance has been in place for some time jurisdictions around the city are not following our type of regulation. For example the county would sell aerial fireworks and those citizens would come to the city and fire them off, but it is illegal. He wanted to stress to the media that everyone is educated about the ordinance and

changes of what is and is not allowed. The citations are at the discretion of the Fire Department, usually if it can be confiscated, at least the tube, the citizen would not be able to fire fireworks.

Mayor Ronnie Torres asked Jackie of the News Bulletin to please publish for citizen information that citizens should by fireworks locally in order to be in compliance with City laws. They need to be advised that there are some vendors in the close vicinity of the City Limits that are in the County, so be careful where you purchase them from. Mayor Ronnie Torres asked the fire department to supply a list of authorized “City” vendors to be published in the local newspaper.

Councilor Rudy Jaramillo asked if all cities and counties have their own ordinance. Fire Chief advised all cities and counties by law have to adopt their own ordinance.

Mayor Ronnie Torres asked if there were any questions or comments from the audience if none he closed the public hearing.

ACTION ITEM:

INTENT TO ADOPT A FIREWORKS ORDINANCE TO ASSIST IN PROTECTING THE PUBLIC HEALTH, WELFARE, AND SAFETY OF THE PEOPLE OF THE CITY OF BELEN, NEW MEXICO BY REGULATING THE RETAIL SALE AND STORAGE OF CONSUMER FIREWORKS AND THEATRICAL PYROTECHNICS OF SPECIAL EFFECTS OF MOTION PICTURE AND TELEVISION FILMING REPEALING ORDINANCE 1995-04 AND 2002-03:

Mayor Ronnie Torres read the next agenda item in reference to approval of intent to adopt a fireworks ordinance to assist in protecting the public health, welfare, and safety of the people of the city of Belen, New Mexico by regulating the retail sale and storage of consumer fireworks and theatrical pyrotechnics of special effects of motion picture and television filming repealing ordinance 1995-04 and 2002-03.

Mayor Ronnie Torres asked if there were any comments from City Council if none he so entertains a motion. Councilor Terese Ulivarri moved to approve. Councilor Wayne Gallegos seconds the motion, motion carried.

ADJOURNMENT:

Mayor Ronnie Torres asked for a motion to adjourn tonight’s meeting.

Councilor Wayne Gallegos moved to adjourn this meeting. Councilor Rudy Jaramillo seconds the motion, motion carried.

Ronnie Torres, Mayor

ATTEST:

Sally G. Garley, City Manager